



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4222

Introduced 12/5/2005, by Rep. Jim Watson

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Identification Act. Provides that the Department of State Police shall develop official information relating to the number of sexual offenders and sexual predators who are placed on supervision, probation, conditional discharge, parole, or mandatory supervised release and who are subject to electronic monitoring. Provides that the Criminal Justice Information Authority shall study the factors relating to the sentencing of sex offenders from the point of arrest through the imposition of sentencing by the sentencing court, including original charges, plea negotiations, trial dispositions, and sentences. Provides that the Department of Corrections, the Administrative Office of the Illinois Courts, the Department of State Police, and the State's Attorneys shall provide information deemed necessary for the study. Provides that the final report shall be presented by March 1, 2007. Amends the Unified Code of Corrections. Provides that a person convicted of or placed on supervision for a sex offense as defined in the Sex Offender Management Board Act must wear an approved electronic monitoring device for the duration of the person's parole, mandatory supervised release, probation, conditional discharge, or supervision term if the unlawful activity involved a victim who was under 16 years of age and the person convicted of the sex offense is 18 years of age or older or if the person convicted of the sex offense is a sexual predator. Amends the Sex Offender Registration Act. Provides that a sexual predator who has been lawfully released from confinement or who has completed his or her term of supervision, probation, conditional discharge, parole, or mandatory supervised release, whichever is later, for at least 40 years, and who has not been arrested for a felony or misdemeanor since release may petition the circuit court for the purpose of no longer being classified as a sexual predator. Provides that it is Class 4 felony for a person who has reason to believe that a sexual predator is not complying, or has not complied, with the Act and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the Act to withhold information from the law enforcement agency about the sexual predator or to conceal his or her whereabouts or to provide false information to the law enforcement agency about the sexual predator.

LRB094 15622 LCT 50827 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning sex offenders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Identification Act is amended by
5 changing Section 8 as follows:

6 (20 ILCS 2630/8) (from Ch. 38, par. 206-8)

7 Sec. 8. Crime statistics; sex offenders.

8 (a) The Department shall be a central repository and
9 custodian of crime statistics for the State and it shall have
10 all power incident thereto to carry out the purposes of this
11 Act, including the power to demand and receive cooperation in
12 the submission of crime statistics from all units of
13 government. On an annual basis, the Illinois Criminal Justice
14 Information Authority shall make available compilations
15 published by the Authority of crime statistics required to be
16 reported by each policing body of the State, the clerks of the
17 circuit court of each county, the Illinois Department of
18 Corrections, the Sheriff of each county, and the State's
19 Attorney of each county, including, but not limited to,
20 criminal arrest, charge and disposition information.

21 (b) The Department shall develop official information
22 relating to the number of sexual offenders and sexual predators
23 as defined in Section 2 of the Sex Offender Registration Act
24 who are placed on supervision, probation, conditional
25 discharge, parole, or mandatory supervised release and who are
26 subject to electronic monitoring. In addition, the Illinois
27 Criminal Justice Information Authority shall study the factors
28 relating to the sentencing of sex offenders from the point of
29 arrest through the imposition of sentencing by the sentencing
30 court, including original charges, plea negotiations, trial
31 dispositions, and sentences. The Illinois Department of
32 Corrections, the Administrative Office of the Illinois Courts,

1 the Department of State Police, and the State's Attorneys shall
2 provide information deemed necessary for the study. The final
3 report shall be presented to the General Assembly by March 1,
4 2007.

5 (Source: P.A. 86-701.)

6 Section 10. The Unified Code of Corrections is amended by
7 changing Sections 3-3-7, 5-6-3, and 5-6-3.1 and by adding
8 Section 5-8A-6 as follows:

9 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

10 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
11 Release.

12 (a) The conditions of parole or mandatory supervised
13 release shall be such as the Prisoner Review Board deems
14 necessary to assist the subject in leading a law-abiding life.
15 The conditions of every parole and mandatory supervised release
16 are that the subject:

17 (1) not violate any criminal statute of any
18 jurisdiction during the parole or release term;

19 (2) refrain from possessing a firearm or other
20 dangerous weapon;

21 (3) report to an agent of the Department of
22 Corrections;

23 (4) permit the agent to visit him or her at his or her
24 home, employment, or elsewhere to the extent necessary for
25 the agent to discharge his or her duties;

26 (5) attend or reside in a facility established for the
27 instruction or residence of persons on parole or mandatory
28 supervised release;

29 (6) secure permission before visiting or writing a
30 committed person in an Illinois Department of Corrections
31 facility;

32 (7) report all arrests to an agent of the Department of
33 Corrections as soon as permitted by the arresting authority
34 but in no event later than 24 hours after release from

1 custody;

2 (7.5) if convicted of a sex offense as defined in the
3 Sex Offender Management Board Act, the individual shall
4 undergo and successfully complete sex offender treatment
5 conducted in conformance with the standards developed by
6 the Sex Offender Management Board Act by a treatment
7 provider approved by the Board;

8 (7.6) if convicted of a sex offense as defined in the
9 Sex Offender Management Board Act, refrain from residing at
10 the same address or in the same condominium unit or
11 apartment unit or in the same condominium complex or
12 apartment complex with another person he or she knows or
13 reasonably should know is a convicted sex offender or has
14 been placed on supervision for a sex offense; the
15 provisions of this paragraph do not apply to a person
16 convicted of a sex offense who is placed in a Department of
17 Corrections licensed transitional housing facility for sex
18 offenders, or is in any facility operated or licensed by
19 the Department of Children and Family Services or by the
20 Department of Human Services, or is in any licensed medical
21 facility;

22 (7.7) if convicted of a sex offense as defined in the
23 Sex Offender Management Board Act on or after the effective
24 date of this amendatory Act of the 94th General Assembly
25 and the unlawful activity involved a victim who was under
26 16 years of age and the person convicted of the sex offense
27 is 18 years of age or older or if the person convicted of
28 the sex offense is a sexual predator, wear an approved
29 electronic monitoring device as defined in Section 5-8A-2
30 for the duration of the person's parole or mandatory
31 supervised release term;

32 (8) obtain permission of an agent of the Department of
33 Corrections before leaving the State of Illinois;

34 (9) obtain permission of an agent of the Department of
35 Corrections before changing his or her residence or
36 employment;

1 (10) consent to a search of his or her person,
2 property, or residence under his or her control;

3 (11) refrain from the use or possession of narcotics or
4 other controlled substances in any form, or both, or any
5 paraphernalia related to those substances and submit to a
6 urinalysis test as instructed by a parole agent of the
7 Department of Corrections;

8 (12) not frequent places where controlled substances
9 are illegally sold, used, distributed, or administered;

10 (13) not knowingly associate with other persons on
11 parole or mandatory supervised release without prior
12 written permission of his or her parole agent and not
13 associate with persons who are members of an organized gang
14 as that term is defined in the Illinois Streetgang
15 Terrorism Omnibus Prevention Act;

16 (14) provide true and accurate information, as it
17 relates to his or her adjustment in the community while on
18 parole or mandatory supervised release or to his or her
19 conduct while incarcerated, in response to inquiries by his
20 or her parole agent or of the Department of Corrections;

21 (15) follow any specific instructions provided by the
22 parole agent that are consistent with furthering
23 conditions set and approved by the Prisoner Review Board or
24 by law, exclusive of placement on electronic detention, to
25 achieve the goals and objectives of his or her parole or
26 mandatory supervised release or to protect the public.
27 These instructions by the parole agent may be modified at
28 any time, as the agent deems appropriate; and

29 (16) if convicted of a sex offense as defined in
30 subsection (a-5) of Section 3-1-2 of this Code, unless the
31 offender is a parent or guardian of the person under 18
32 years of age present in the home and no non-familial minors
33 are present, not participate in a holiday event involving
34 children under 18 years of age, such as distributing candy
35 or other items to children on Halloween, wearing a Santa
36 Claus costume on or preceding Christmas, being employed as

1 a department store Santa Claus, or wearing an Easter Bunny
2 costume on or preceding Easter.

3 (b) The Board may in addition to other conditions require
4 that the subject:

5 (1) work or pursue a course of study or vocational
6 training;

7 (2) undergo medical or psychiatric treatment, or
8 treatment for drug addiction or alcoholism;

9 (3) attend or reside in a facility established for the
10 instruction or residence of persons on probation or parole;

11 (4) support his dependents;

12 (5) (blank);

13 (6) (blank);

14 (7) comply with the terms and conditions of an order of
15 protection issued pursuant to the Illinois Domestic
16 Violence Act of 1986, enacted by the 84th General Assembly,
17 or an order of protection issued by the court of another
18 state, tribe, or United States territory; and

19 (8) in addition, if a minor:

20 (i) reside with his parents or in a foster home;

21 (ii) attend school;

22 (iii) attend a non-residential program for youth;

23 or

24 (iv) contribute to his own support at home or in a
25 foster home.

26 (b-1) In addition to the conditions set forth in
27 subsections (a) and (b), persons required to register as sex
28 offenders pursuant to the Sex Offender Registration Act, upon
29 release from the custody of the Illinois Department of
30 Corrections, may be required by the Board to comply with the
31 following specific conditions of release:

32 (1) reside only at a Department approved location;

33 (2) comply with all requirements of the Sex Offender
34 Registration Act;

35 (3) notify third parties of the risks that may be
36 occasioned by his or her criminal record;

1 (4) obtain the approval of an agent of the Department
2 of Corrections prior to accepting employment or pursuing a
3 course of study or vocational training and notify the
4 Department prior to any change in employment, study, or
5 training;

6 (5) not be employed or participate in any volunteer
7 activity that involves contact with children, except under
8 circumstances approved in advance and in writing by an
9 agent of the Department of Corrections;

10 (6) be electronically monitored for a minimum of 12
11 months from the date of release as determined by the Board;

12 (7) refrain from entering into a designated geographic
13 area except upon terms approved in advance by an agent of
14 the Department of Corrections. The terms may include
15 consideration of the purpose of the entry, the time of day,
16 and others accompanying the person;

17 (8) refrain from having any contact, including written
18 or oral communications, directly or indirectly, personally
19 or by telephone, letter, or through a third party with
20 certain specified persons including, but not limited to,
21 the victim or the victim's family without the prior written
22 approval of an agent of the Department of Corrections;

23 (9) refrain from all contact, directly or indirectly,
24 personally, by telephone, letter, or through a third party,
25 with minor children without prior identification and
26 approval of an agent of the Department of Corrections;

27 (10) neither possess or have under his or her control
28 any material that is sexually oriented, sexually
29 stimulating, or that shows male or female sex organs or any
30 pictures depicting children under 18 years of age nude or
31 any written or audio material describing sexual
32 intercourse or that depicts or alludes to sexual activity,
33 including but not limited to visual, auditory, telephonic,
34 or electronic media, or any matter obtained through access
35 to any computer or material linked to computer access use;

36 (11) not patronize any business providing sexually

1 stimulating or sexually oriented entertainment nor utilize
2 "900" or adult telephone numbers;

3 (12) not reside near, visit, or be in or about parks,
4 schools, day care centers, swimming pools, beaches,
5 theaters, or any other places where minor children
6 congregate without advance approval of an agent of the
7 Department of Corrections and immediately report any
8 incidental contact with minor children to the Department;

9 (13) not possess or have under his or her control
10 certain specified items of contraband related to the
11 incidence of sexually offending as determined by an agent
12 of the Department of Corrections;

13 (14) may be required to provide a written daily log of
14 activities if directed by an agent of the Department of
15 Corrections;

16 (15) comply with all other special conditions that the
17 Department may impose that restrict the person from
18 high-risk situations and limit access to potential
19 victims.

20 (c) The conditions under which the parole or mandatory
21 supervised release is to be served shall be communicated to the
22 person in writing prior to his release, and he shall sign the
23 same before release. A signed copy of these conditions,
24 including a copy of an order of protection where one had been
25 issued by the criminal court, shall be retained by the person
26 and another copy forwarded to the officer in charge of his
27 supervision.

28 (d) After a hearing under Section 3-3-9, the Prisoner
29 Review Board may modify or enlarge the conditions of parole or
30 mandatory supervised release.

31 (e) The Department shall inform all offenders committed to
32 the Department of the optional services available to them upon
33 release and shall assist inmates in availing themselves of such
34 optional services upon their release on a voluntary basis.

35 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
36 eff. 7-11-05; 94-161, eff. 7-11-05; revised 8-19-05.)

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
2 Sec. 5-6-3. Conditions of Probation and of Conditional
3 Discharge.

4 (a) The conditions of probation and of conditional
5 discharge shall be that the person:

6 (1) not violate any criminal statute of any
7 jurisdiction;

8 (2) report to or appear in person before such person or
9 agency as directed by the court;

10 (3) refrain from possessing a firearm or other
11 dangerous weapon;

12 (4) not leave the State without the consent of the
13 court or, in circumstances in which the reason for the
14 absence is of such an emergency nature that prior consent
15 by the court is not possible, without the prior
16 notification and approval of the person's probation
17 officer. Transfer of a person's probation or conditional
18 discharge supervision to another state is subject to
19 acceptance by the other state pursuant to the Interstate
20 Compact for Adult Offender Supervision;

21 (5) permit the probation officer to visit him at his
22 home or elsewhere to the extent necessary to discharge his
23 duties;

24 (6) perform no less than 30 hours of community service
25 and not more than 120 hours of community service, if
26 community service is available in the jurisdiction and is
27 funded and approved by the county board where the offense
28 was committed, where the offense was related to or in
29 furtherance of the criminal activities of an organized gang
30 and was motivated by the offender's membership in or
31 allegiance to an organized gang. The community service
32 shall include, but not be limited to, the cleanup and
33 repair of any damage caused by a violation of Section
34 21-1.3 of the Criminal Code of 1961 and similar damage to
35 property located within the municipality or county in which

1 the violation occurred. When possible and reasonable, the
2 community service should be performed in the offender's
3 neighborhood. For purposes of this Section, "organized
4 gang" has the meaning ascribed to it in Section 10 of the
5 Illinois Streetgang Terrorism Omnibus Prevention Act;

6 (7) if he or she is at least 17 years of age and has
7 been sentenced to probation or conditional discharge for a
8 misdemeanor or felony in a county of 3,000,000 or more
9 inhabitants and has not been previously convicted of a
10 misdemeanor or felony, may be required by the sentencing
11 court to attend educational courses designed to prepare the
12 defendant for a high school diploma and to work toward a
13 high school diploma or to work toward passing the high
14 school level Test of General Educational Development (GED)
15 or to work toward completing a vocational training program
16 approved by the court. The person on probation or
17 conditional discharge must attend a public institution of
18 education to obtain the educational or vocational training
19 required by this clause (7). The court shall revoke the
20 probation or conditional discharge of a person who wilfully
21 fails to comply with this clause (7). The person on
22 probation or conditional discharge shall be required to pay
23 for the cost of the educational courses or GED test, if a
24 fee is charged for those courses or test. The court shall
25 resentence the offender whose probation or conditional
26 discharge has been revoked as provided in Section 5-6-4.
27 This clause (7) does not apply to a person who has a high
28 school diploma or has successfully passed the GED test.
29 This clause (7) does not apply to a person who is
30 determined by the court to be developmentally disabled or
31 otherwise mentally incapable of completing the educational
32 or vocational program;

33 (8) if convicted of possession of a substance
34 prohibited by the Cannabis Control Act, the Illinois
35 Controlled Substances Act, or the Methamphetamine Control
36 and Community Protection Act after a previous conviction or

1 disposition of supervision for possession of a substance
2 prohibited by the Cannabis Control Act or Illinois
3 Controlled Substances Act or after a sentence of probation
4 under Section 10 of the Cannabis Control Act, Section 410
5 of the Illinois Controlled Substances Act, or Section 70 of
6 the Methamphetamine Control and Community Protection Act
7 and upon a finding by the court that the person is
8 addicted, undergo treatment at a substance abuse program
9 approved by the court;

10 (8.5) if convicted of a felony sex offense as defined
11 in the Sex Offender Management Board Act, the person shall
12 undergo and successfully complete sex offender treatment
13 by a treatment provider approved by the Board and conducted
14 in conformance with the standards developed under the Sex
15 Offender Management Board Act;

16 (8.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing at
18 the same address or in the same condominium unit or
19 apartment unit or in the same condominium complex or
20 apartment complex with another person he or she knows or
21 reasonably should know is a convicted sex offender or has
22 been placed on supervision for a sex offense; the
23 provisions of this paragraph do not apply to a person
24 convicted of a sex offense who is placed in a Department of
25 Corrections licensed transitional housing facility for sex
26 offenders; ~~and~~

27 (8.7) if convicted of a sex offense as defined in the
28 Sex Offender Management Board Act on or after the effective
29 date of this amendatory Act of the 94th General Assembly
30 and the unlawful activity involved a victim who was under
31 16 years of age and the person convicted of the sex offense
32 is 18 years of age or older or if the person convicted of
33 the sex offense is a sexual predator, wear an approved
34 electronic monitoring device as defined in Section 5-8A-2
35 for the duration of the person's probation or conditional
36 discharge;

1 (9) if convicted of a felony, physically surrender at a
2 time and place designated by the court, his or her Firearm
3 Owner's Identification Card and any and all firearms in his
4 or her possession; and

5 (10) if convicted of a sex offense as defined in
6 subsection (a-5) of Section 3-1-2 of this Code, unless the
7 offender is a parent or guardian of the person under 18
8 years of age present in the home and no non-familial minors
9 are present, not participate in a holiday event involving
10 children under 18 years of age, such as distributing candy
11 or other items to children on Halloween, wearing a Santa
12 Claus costume on or preceding Christmas, being employed as
13 a department store Santa Claus, or wearing an Easter Bunny
14 costume on or preceding Easter.

15 (b) The Court may in addition to other reasonable
16 conditions relating to the nature of the offense or the
17 rehabilitation of the defendant as determined for each
18 defendant in the proper discretion of the Court require that
19 the person:

20 (1) serve a term of periodic imprisonment under Article
21 7 for a period not to exceed that specified in paragraph
22 (d) of Section 5-7-1;

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical, psychological or psychiatric
27 treatment; or treatment for drug addiction or alcoholism;

28 (5) attend or reside in a facility established for the
29 instruction or residence of defendants on probation;

30 (6) support his dependents;

31 (7) and in addition, if a minor:

32 (i) reside with his parents or in a foster home;

33 (ii) attend school;

34 (iii) attend a non-residential program for youth;

35 (iv) contribute to his own support at home or in a
36 foster home;

1 (v) with the consent of the superintendent of the
2 facility, attend an educational program at a facility
3 other than the school in which the offense was
4 committed if he or she is convicted of a crime of
5 violence as defined in Section 2 of the Crime Victims
6 Compensation Act committed in a school, on the real
7 property comprising a school, or within 1,000 feet of
8 the real property comprising a school;

9 (8) make restitution as provided in Section 5-5-6 of
10 this Code;

11 (9) perform some reasonable public or community
12 service;

13 (10) serve a term of home confinement. In addition to
14 any other applicable condition of probation or conditional
15 discharge, the conditions of home confinement shall be that
16 the offender:

17 (i) remain within the interior premises of the
18 place designated for his confinement during the hours
19 designated by the court;

20 (ii) admit any person or agent designated by the
21 court into the offender's place of confinement at any
22 time for purposes of verifying the offender's
23 compliance with the conditions of his confinement; and

24 (iii) if further deemed necessary by the court or
25 the Probation or Court Services Department, be placed
26 on an approved electronic monitoring device, subject
27 to Article 8A of Chapter V;

28 (iv) for persons convicted of any alcohol,
29 cannabis or controlled substance violation who are
30 placed on an approved monitoring device as a condition
31 of probation or conditional discharge, the court shall
32 impose a reasonable fee for each day of the use of the
33 device, as established by the county board in
34 subsection (g) of this Section, unless after
35 determining the inability of the offender to pay the
36 fee, the court assesses a lesser fee or no fee as the

1 case may be. This fee shall be imposed in addition to
2 the fees imposed under subsections (g) and (i) of this
3 Section. The fee shall be collected by the clerk of the
4 circuit court. The clerk of the circuit court shall pay
5 all monies collected from this fee to the county
6 treasurer for deposit in the substance abuse services
7 fund under Section 5-1086.1 of the Counties Code; and

8 (v) for persons convicted of offenses other than
9 those referenced in clause (iv) above and who are
10 placed on an approved monitoring device as a condition
11 of probation or conditional discharge, the court shall
12 impose a reasonable fee for each day of the use of the
13 device, as established by the county board in
14 subsection (g) of this Section, unless after
15 determining the inability of the defendant to pay the
16 fee, the court assesses a lesser fee or no fee as the
17 case may be. This fee shall be imposed in addition to
18 the fees imposed under subsections (g) and (i) of this
19 Section. The fee shall be collected by the clerk of the
20 circuit court. The clerk of the circuit court shall pay
21 all monies collected from this fee to the county
22 treasurer who shall use the monies collected to defray
23 the costs of corrections. The county treasurer shall
24 deposit the fee collected in the county working cash
25 fund under Section 6-27001 or Section 6-29002 of the
26 Counties Code, as the case may be.

27 (11) comply with the terms and conditions of an order
28 of protection issued by the court pursuant to the Illinois
29 Domestic Violence Act of 1986, as now or hereafter amended,
30 or an order of protection issued by the court of another
31 state, tribe, or United States territory. A copy of the
32 order of protection shall be transmitted to the probation
33 officer or agency having responsibility for the case;

34 (12) reimburse any "local anti-crime program" as
35 defined in Section 7 of the Anti-Crime Advisory Council Act
36 for any reasonable expenses incurred by the program on the

1 offender's case, not to exceed the maximum amount of the
2 fine authorized for the offense for which the defendant was
3 sentenced;

4 (13) contribute a reasonable sum of money, not to
5 exceed the maximum amount of the fine authorized for the
6 offense for which the defendant was sentenced, to a "local
7 anti-crime program", as defined in Section 7 of the
8 Anti-Crime Advisory Council Act;

9 (14) refrain from entering into a designated
10 geographic area except upon such terms as the court finds
11 appropriate. Such terms may include consideration of the
12 purpose of the entry, the time of day, other persons
13 accompanying the defendant, and advance approval by a
14 probation officer, if the defendant has been placed on
15 probation or advance approval by the court, if the
16 defendant was placed on conditional discharge;

17 (15) refrain from having any contact, directly or
18 indirectly, with certain specified persons or particular
19 types of persons, including but not limited to members of
20 street gangs and drug users or dealers;

21 (16) refrain from having in his or her body the
22 presence of any illicit drug prohibited by the Cannabis
23 Control Act, the Illinois Controlled Substances Act, or the
24 Methamphetamine Control and Community Protection Act,
25 unless prescribed by a physician, and submit samples of his
26 or her blood or urine or both for tests to determine the
27 presence of any illicit drug.

28 (c) The court may as a condition of probation or of
29 conditional discharge require that a person under 18 years of
30 age found guilty of any alcohol, cannabis or controlled
31 substance violation, refrain from acquiring a driver's license
32 during the period of probation or conditional discharge. If
33 such person is in possession of a permit or license, the court
34 may require that the minor refrain from driving or operating
35 any motor vehicle during the period of probation or conditional
36 discharge, except as may be necessary in the course of the

1 minor's lawful employment.

2 (d) An offender sentenced to probation or to conditional
3 discharge shall be given a certificate setting forth the
4 conditions thereof.

5 (e) Except where the offender has committed a fourth or
6 subsequent violation of subsection (c) of Section 6-303 of the
7 Illinois Vehicle Code, the court shall not require as a
8 condition of the sentence of probation or conditional discharge
9 that the offender be committed to a period of imprisonment in
10 excess of 6 months. This 6 month limit shall not include
11 periods of confinement given pursuant to a sentence of county
12 impact incarceration under Section 5-8-1.2. This 6 month limit
13 does not apply to a person sentenced to probation as a result
14 of a conviction of a fourth or subsequent violation of
15 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
16 or a similar provision of a local ordinance.

17 Persons committed to imprisonment as a condition of
18 probation or conditional discharge shall not be committed to
19 the Department of Corrections.

20 (f) The court may combine a sentence of periodic
21 imprisonment under Article 7 or a sentence to a county impact
22 incarceration program under Article 8 with a sentence of
23 probation or conditional discharge.

24 (g) An offender sentenced to probation or to conditional
25 discharge and who during the term of either undergoes mandatory
26 drug or alcohol testing, or both, or is assigned to be placed
27 on an approved electronic monitoring device, shall be ordered
28 to pay all costs incidental to such mandatory drug or alcohol
29 testing, or both, and all costs incidental to such approved
30 electronic monitoring in accordance with the defendant's
31 ability to pay those costs. The county board with the
32 concurrence of the Chief Judge of the judicial circuit in which
33 the county is located shall establish reasonable fees for the
34 cost of maintenance, testing, and incidental expenses related
35 to the mandatory drug or alcohol testing, or both, and all
36 costs incidental to approved electronic monitoring, involved

1 in a successful probation program for the county. The
2 concurrence of the Chief Judge shall be in the form of an
3 administrative order. The fees shall be collected by the clerk
4 of the circuit court. The clerk of the circuit court shall pay
5 all moneys collected from these fees to the county treasurer
6 who shall use the moneys collected to defray the costs of drug
7 testing, alcohol testing, and electronic monitoring. The
8 county treasurer shall deposit the fees collected in the county
9 working cash fund under Section 6-27001 or Section 6-29002 of
10 the Counties Code, as the case may be.

11 (h) Jurisdiction over an offender may be transferred from
12 the sentencing court to the court of another circuit with the
13 concurrence of both courts. Further transfers or retransfers of
14 jurisdiction are also authorized in the same manner. The court
15 to which jurisdiction has been transferred shall have the same
16 powers as the sentencing court.

17 (i) The court shall impose upon an offender sentenced to
18 probation after January 1, 1989 or to conditional discharge
19 after January 1, 1992 or to community service under the
20 supervision of a probation or court services department after
21 January 1, 2004, as a condition of such probation or
22 conditional discharge or supervised community service, a fee of
23 \$50 for each month of probation or conditional discharge
24 supervision or supervised community service ordered by the
25 court, unless after determining the inability of the person
26 sentenced to probation or conditional discharge or supervised
27 community service to pay the fee, the court assesses a lesser
28 fee. The court may not impose the fee on a minor who is made a
29 ward of the State under the Juvenile Court Act of 1987 while
30 the minor is in placement. The fee shall be imposed only upon
31 an offender who is actively supervised by the probation and
32 court services department. The fee shall be collected by the
33 clerk of the circuit court. The clerk of the circuit court
34 shall pay all monies collected from this fee to the county
35 treasurer for deposit in the probation and court services fund
36 under Section 15.1 of the Probation and Probation Officers Act.

1 A circuit court may not impose a probation fee under this
2 subsection (i) in excess of \$25 per month unless: (1) the
3 circuit court has adopted, by administrative order issued by
4 the chief judge, a standard probation fee guide determining an
5 offender's ability to pay, under guidelines developed by the
6 Administrative Office of the Illinois Courts; and (2) the
7 circuit court has authorized, by administrative order issued by
8 the chief judge, the creation of a Crime Victim's Services
9 Fund, to be administered by the Chief Judge or his or her
10 designee, for services to crime victims and their families. Of
11 the amount collected as a probation fee, up to \$5 of that fee
12 collected per month may be used to provide services to crime
13 victims and their families.

14 This amendatory Act of the 93rd General Assembly deletes
15 the \$10 increase in the fee under this subsection that was
16 imposed by Public Act 93-616. This deletion is intended to
17 control over any other Act of the 93rd General Assembly that
18 retains or incorporates that fee increase.

19 (i-5) In addition to the fees imposed under subsection (i)
20 of this Section, in the case of an offender convicted of a
21 felony sex offense (as defined in the Sex Offender Management
22 Board Act) or an offense that the court or probation department
23 has determined to be sexually motivated (as defined in the Sex
24 Offender Management Board Act), the court or the probation
25 department shall assess additional fees to pay for all costs of
26 treatment, assessment, evaluation for risk and treatment, and
27 monitoring the offender, based on that offender's ability to
28 pay those costs either as they occur or under a payment plan.

29 (j) All fines and costs imposed under this Section for any
30 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
31 Code, or a similar provision of a local ordinance, and any
32 violation of the Child Passenger Protection Act, or a similar
33 provision of a local ordinance, shall be collected and
34 disbursed by the circuit clerk as provided under Section 27.5
35 of the Clerks of Courts Act.

36 (k) Any offender who is sentenced to probation or

1 conditional discharge for a felony sex offense as defined in
2 the Sex Offender Management Board Act or any offense that the
3 court or probation department has determined to be sexually
4 motivated as defined in the Sex Offender Management Board Act
5 shall be required to refrain from any contact, directly or
6 indirectly, with any persons specified by the court and shall
7 be available for all evaluations and treatment programs
8 required by the court or the probation department.

9 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,
10 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
11 94-556, eff. 9-11-05; revised 8-19-05.)

12 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

13 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

14 (a) When a defendant is placed on supervision, the court
15 shall enter an order for supervision specifying the period of
16 such supervision, and shall defer further proceedings in the
17 case until the conclusion of the period.

18 (b) The period of supervision shall be reasonable under all
19 of the circumstances of the case, but may not be longer than 2
20 years, unless the defendant has failed to pay the assessment
21 required by Section 10.3 of the Cannabis Control Act, Section
22 411.2 of the Illinois Controlled Substances Act, or Section 80
23 of the Methamphetamine Control and Community Protection Act, in
24 which case the court may extend supervision beyond 2 years.
25 Additionally, the court shall order the defendant to perform no
26 less than 30 hours of community service and not more than 120
27 hours of community service, if community service is available
28 in the jurisdiction and is funded and approved by the county
29 board where the offense was committed, when the offense (1) was
30 related to or in furtherance of the criminal activities of an
31 organized gang or was motivated by the defendant's membership
32 in or allegiance to an organized gang; or (2) is a violation of
33 any Section of Article 24 of the Criminal Code of 1961 where a
34 disposition of supervision is not prohibited by Section 5-6-1
35 of this Code. The community service shall include, but not be

1 limited to, the cleanup and repair of any damage caused by
2 violation of Section 21-1.3 of the Criminal Code of 1961 and
3 similar damages to property located within the municipality or
4 county in which the violation occurred. Where possible and
5 reasonable, the community service should be performed in the
6 offender's neighborhood.

7 For the purposes of this Section, "organized gang" has the
8 meaning ascribed to it in Section 10 of the Illinois Streetgang
9 Terrorism Omnibus Prevention Act.

10 (c) The court may in addition to other reasonable
11 conditions relating to the nature of the offense or the
12 rehabilitation of the defendant as determined for each
13 defendant in the proper discretion of the court require that
14 the person:

15 (1) make a report to and appear in person before or
16 participate with the court or such courts, person, or
17 social service agency as directed by the court in the order
18 of supervision;

19 (2) pay a fine and costs;

20 (3) work or pursue a course of study or vocational
21 training;

22 (4) undergo medical, psychological or psychiatric
23 treatment; or treatment for drug addiction or alcoholism;

24 (5) attend or reside in a facility established for the
25 instruction or residence of defendants on probation;

26 (6) support his dependents;

27 (7) refrain from possessing a firearm or other
28 dangerous weapon;

29 (8) and in addition, if a minor:

30 (i) reside with his parents or in a foster home;

31 (ii) attend school;

32 (iii) attend a non-residential program for youth;

33 (iv) contribute to his own support at home or in a
34 foster home; or

35 (v) with the consent of the superintendent of the
36 facility, attend an educational program at a facility

1 other than the school in which the offense was
2 committed if he or she is placed on supervision for a
3 crime of violence as defined in Section 2 of the Crime
4 Victims Compensation Act committed in a school, on the
5 real property comprising a school, or within 1,000 feet
6 of the real property comprising a school;

7 (9) make restitution or reparation in an amount not to
8 exceed actual loss or damage to property and pecuniary loss
9 or make restitution under Section 5-5-6 to a domestic
10 violence shelter. The court shall determine the amount and
11 conditions of payment;

12 (10) perform some reasonable public or community
13 service;

14 (11) comply with the terms and conditions of an order
15 of protection issued by the court pursuant to the Illinois
16 Domestic Violence Act of 1986 or an order of protection
17 issued by the court of another state, tribe, or United
18 States territory. If the court has ordered the defendant to
19 make a report and appear in person under paragraph (1) of
20 this subsection, a copy of the order of protection shall be
21 transmitted to the person or agency so designated by the
22 court;

23 (12) reimburse any "local anti-crime program" as
24 defined in Section 7 of the Anti-Crime Advisory Council Act
25 for any reasonable expenses incurred by the program on the
26 offender's case, not to exceed the maximum amount of the
27 fine authorized for the offense for which the defendant was
28 sentenced;

29 (13) contribute a reasonable sum of money, not to
30 exceed the maximum amount of the fine authorized for the
31 offense for which the defendant was sentenced, to a "local
32 anti-crime program", as defined in Section 7 of the
33 Anti-Crime Advisory Council Act;

34 (14) refrain from entering into a designated
35 geographic area except upon such terms as the court finds
36 appropriate. Such terms may include consideration of the

1 purpose of the entry, the time of day, other persons
2 accompanying the defendant, and advance approval by a
3 probation officer;

4 (15) refrain from having any contact, directly or
5 indirectly, with certain specified persons or particular
6 types of person, including but not limited to members of
7 street gangs and drug users or dealers;

8 (16) refrain from having in his or her body the
9 presence of any illicit drug prohibited by the Cannabis
10 Control Act, the Illinois Controlled Substances Act, or the
11 Methamphetamine Control and Community Protection Act,
12 unless prescribed by a physician, and submit samples of his
13 or her blood or urine or both for tests to determine the
14 presence of any illicit drug;

15 (17) refrain from operating any motor vehicle not
16 equipped with an ignition interlock device as defined in
17 Section 1-129.1 of the Illinois Vehicle Code. Under this
18 condition the court may allow a defendant who is not
19 self-employed to operate a vehicle owned by the defendant's
20 employer that is not equipped with an ignition interlock
21 device in the course and scope of the defendant's
22 employment; ~~and~~

23 (18) if placed on supervision for a sex offense as
24 defined in subsection (a-5) of Section 3-1-2 of this Code,
25 unless the offender is a parent or guardian of the person
26 under 18 years of age present in the home and no
27 non-familial minors are present, not participate in a
28 holiday event involving children under 18 years of age,
29 such as distributing candy or other items to children on
30 Halloween, wearing a Santa Claus costume on or preceding
31 Christmas, being employed as a department store Santa
32 Claus, or wearing an Easter Bunny costume on or preceding
33 Easter; and

34 (19) if placed on supervision for a sex offense as
35 defined in the Sex Offender Management Board Act on or
36 after the effective date of this amendatory Act of the 94th

1 General Assembly and the unlawful activity involved a
2 victim who was under 16 years of age and the person placed
3 on supervision for the sex offense is 18 years of age or
4 older or if the person placed on supervision for the sex
5 offense is a sexual predator, wear an approved electronic
6 monitoring device as defined in Section 5-8A-2 for the
7 duration of the person's supervision.

8 (d) The court shall defer entering any judgment on the
9 charges until the conclusion of the supervision.

10 (e) At the conclusion of the period of supervision, if the
11 court determines that the defendant has successfully complied
12 with all of the conditions of supervision, the court shall
13 discharge the defendant and enter a judgment dismissing the
14 charges.

15 (f) Discharge and dismissal upon a successful conclusion of
16 a disposition of supervision shall be deemed without
17 adjudication of guilt and shall not be termed a conviction for
18 purposes of disqualification or disabilities imposed by law
19 upon conviction of a crime. Two years after the discharge and
20 dismissal under this Section, unless the disposition of
21 supervision was for a violation of Sections 3-707, 3-708,
22 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
23 similar provision of a local ordinance, or for a violation of
24 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
25 case it shall be 5 years after discharge and dismissal, a
26 person may have his record of arrest sealed or expunged as may
27 be provided by law. However, any defendant placed on
28 supervision before January 1, 1980, may move for sealing or
29 expungement of his arrest record, as provided by law, at any
30 time after discharge and dismissal under this Section. A person
31 placed on supervision for a sexual offense committed against a
32 minor as defined in subsection (g) of Section 5 of the Criminal
33 Identification Act or for a violation of Section 11-501 of the
34 Illinois Vehicle Code or a similar provision of a local
35 ordinance shall not have his or her record of arrest sealed or
36 expunged.

1 (g) A defendant placed on supervision and who during the
2 period of supervision undergoes mandatory drug or alcohol
3 testing, or both, or is assigned to be placed on an approved
4 electronic monitoring device, shall be ordered to pay the costs
5 incidental to such mandatory drug or alcohol testing, or both,
6 and costs incidental to such approved electronic monitoring in
7 accordance with the defendant's ability to pay those costs. The
8 county board with the concurrence of the Chief Judge of the
9 judicial circuit in which the county is located shall establish
10 reasonable fees for the cost of maintenance, testing, and
11 incidental expenses related to the mandatory drug or alcohol
12 testing, or both, and all costs incidental to approved
13 electronic monitoring, of all defendants placed on
14 supervision. The concurrence of the Chief Judge shall be in the
15 form of an administrative order. The fees shall be collected by
16 the clerk of the circuit court. The clerk of the circuit court
17 shall pay all moneys collected from these fees to the county
18 treasurer who shall use the moneys collected to defray the
19 costs of drug testing, alcohol testing, and electronic
20 monitoring. The county treasurer shall deposit the fees
21 collected in the county working cash fund under Section 6-27001
22 or Section 6-29002 of the Counties Code, as the case may be.

23 (h) A disposition of supervision is a final order for the
24 purposes of appeal.

25 (i) The court shall impose upon a defendant placed on
26 supervision after January 1, 1992 or to community service under
27 the supervision of a probation or court services department
28 after January 1, 2004, as a condition of supervision or
29 supervised community service, a fee of \$50 for each month of
30 supervision or supervised community service ordered by the
31 court, unless after determining the inability of the person
32 placed on supervision or supervised community service to pay
33 the fee, the court assesses a lesser fee. The court may not
34 impose the fee on a minor who is made a ward of the State under
35 the Juvenile Court Act of 1987 while the minor is in placement.
36 The fee shall be imposed only upon a defendant who is actively

1 supervised by the probation and court services department. The
2 fee shall be collected by the clerk of the circuit court. The
3 clerk of the circuit court shall pay all monies collected from
4 this fee to the county treasurer for deposit in the probation
5 and court services fund pursuant to Section 15.1 of the
6 Probation and Probation Officers Act.

7 A circuit court may not impose a probation fee in excess of
8 \$25 per month unless: (1) the circuit court has adopted, by
9 administrative order issued by the chief judge, a standard
10 probation fee guide determining an offender's ability to pay,
11 under guidelines developed by the Administrative Office of the
12 Illinois Courts; and (2) the circuit court has authorized, by
13 administrative order issued by the chief judge, the creation of
14 a Crime Victim's Services Fund, to be administered by the Chief
15 Judge or his or her designee, for services to crime victims and
16 their families. Of the amount collected as a probation fee, not
17 to exceed \$5 of that fee collected per month may be used to
18 provide services to crime victims and their families.

19 (j) All fines and costs imposed under this Section for any
20 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
21 Code, or a similar provision of a local ordinance, and any
22 violation of the Child Passenger Protection Act, or a similar
23 provision of a local ordinance, shall be collected and
24 disbursed by the circuit clerk as provided under Section 27.5
25 of the Clerks of Courts Act.

26 (k) A defendant at least 17 years of age who is placed on
27 supervision for a misdemeanor in a county of 3,000,000 or more
28 inhabitants and who has not been previously convicted of a
29 misdemeanor or felony may as a condition of his or her
30 supervision be required by the court to attend educational
31 courses designed to prepare the defendant for a high school
32 diploma and to work toward a high school diploma or to work
33 toward passing the high school level Test of General
34 Educational Development (GED) or to work toward completing a
35 vocational training program approved by the court. The
36 defendant placed on supervision must attend a public

1 institution of education to obtain the educational or
2 vocational training required by this subsection (k). The
3 defendant placed on supervision shall be required to pay for
4 the cost of the educational courses or GED test, if a fee is
5 charged for those courses or test. The court shall revoke the
6 supervision of a person who wilfully fails to comply with this
7 subsection (k). The court shall resentence the defendant upon
8 revocation of supervision as provided in Section 5-6-4. This
9 subsection (k) does not apply to a defendant who has a high
10 school diploma or has successfully passed the GED test. This
11 subsection (k) does not apply to a defendant who is determined
12 by the court to be developmentally disabled or otherwise
13 mentally incapable of completing the educational or vocational
14 program.

15 (l) The court shall require a defendant placed on
16 supervision for possession of a substance prohibited by the
17 Cannabis Control Act, the Illinois Controlled Substances Act,
18 or the Methamphetamine Control and Community Protection Act
19 after a previous conviction or disposition of supervision for
20 possession of a substance prohibited by the Cannabis Control
21 Act, the Illinois Controlled Substances Act, or the
22 Methamphetamine Control and Community Protection Act or a
23 sentence of probation under Section 10 of the Cannabis Control
24 Act or Section 410 of the Illinois Controlled Substances Act
25 and after a finding by the court that the person is addicted,
26 to undergo treatment at a substance abuse program approved by
27 the court.

28 (m) The Secretary of State shall require anyone placed on
29 court supervision for a violation of Section 3-707 of the
30 Illinois Vehicle Code or a similar provision of a local
31 ordinance to give proof of his or her financial responsibility
32 as defined in Section 7-315 of the Illinois Vehicle Code. The
33 proof shall be maintained by the individual in a manner
34 satisfactory to the Secretary of State for a minimum period of
35 one year after the date the proof is first filed. The proof
36 shall be limited to a single action per arrest and may not be

1 affected by any post-sentence disposition. The Secretary of
2 State shall suspend the driver's license of any person
3 determined by the Secretary to be in violation of this
4 subsection.

5 (n) Any offender placed on supervision for any offense that
6 the court or probation department has determined to be sexually
7 motivated as defined in the Sex Offender Management Board Act
8 shall be required to refrain from any contact, directly or
9 indirectly, with any persons specified by the court and shall
10 be available for all evaluations and treatment programs
11 required by the court or the probation department.

12 (o) An offender placed on supervision for a sex offense as
13 defined in the Sex Offender Management Board Act shall refrain
14 from residing at the same address or in the same condominium
15 unit or apartment unit or in the same condominium complex or
16 apartment complex with another person he or she knows or
17 reasonably should know is a convicted sex offender or has been
18 placed on supervision for a sex offense. The provisions of this
19 subsection (o) do not apply to a person convicted of a sex
20 offense who is placed in a Department of Corrections licensed
21 transitional housing facility for sex offenders.

22 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;
23 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.
24 9-11-05; revised 8-19-05.)

25 (730 ILCS 5/5-8A-6 new)

26 Sec. 5-8A-6. Electronic monitoring of certain sex
27 offenders. For a sex offender subject to electronic home
28 monitoring under paragraph (7.7) of subsection (a) of Section
29 3-3-7, paragraph (8.7) of subsection (a) of Section 5-6-3, or
30 paragraph (19) of subsection (c) of Section 5-6-3.1 of this
31 Code, the supervising authority must use a system that actively
32 monitors and identifies the offender's location and timely
33 reports or records the offender's presence near or within a
34 crime scene or in a prohibited area described in Sections
35 11-9.3 and 11-9.4 of the Criminal Code of 1961, in a court

1 order, or as a condition of the offender's parole, mandatory
2 supervised release, probation, conditional discharge, or
3 supervision and the offender's departure from specified
4 geographic limitations.

5 Section 15. The Sex Offender Registration Act is amended by
6 changing Sections 6, 7, 8-5, and 10 as follows:

7 (730 ILCS 150/6) (from Ch. 38, par. 226)

8 Sec. 6. Duty to report; change of address, school, or
9 employment; duty to inform. A person who has been adjudicated
10 to be sexually dangerous or is a sexually violent person and is
11 later released, or found to be no longer sexually dangerous or
12 no longer a sexually violent person and discharged, or
13 convicted of a violation of this Act after July 1, 2005, shall
14 report in person to the law enforcement agency with whom he or
15 she last registered no later than 90 days after the date of his
16 or her last registration and every 90 days thereafter and at
17 such other times at the request of the law enforcement agency
18 not to exceed 4 times a year. Any person who lacks a fixed
19 residence must report weekly, in person, to the appropriate law
20 enforcement agency where the sex offender is located. Any other
21 person who is required to register under this Article shall
22 report in person to the appropriate law enforcement agency with
23 whom he or she last registered within 6 months ~~one year~~ from
24 the date of last registration and every 6 months ~~year~~
25 thereafter and at such other times at the request of the law
26 enforcement agency not to exceed 4 times a year. If any person
27 required to register under this Article lacks a fixed residence
28 or temporary domicile, he or she must notify, in person, the
29 agency of jurisdiction of his or her last known address within
30 5 days after ceasing to have a fixed residence and if the
31 offender leaves the last jurisdiction of residence, he or she,
32 must within 48 hours after leaving register in person with the
33 new agency of jurisdiction. If any other person required to
34 register under this Article changes his or her residence

1 address, place of employment, or school, he or she shall report
2 in person to ~~5~~ the law enforcement agency with whom he or she
3 last registered of his or her new address, change in
4 employment, or school and register, in person, with the
5 appropriate law enforcement agency within the time period
6 specified in Section 3. The law enforcement agency shall,
7 within 3 days of the reporting in person by the person required
8 to register under this Article, notify the Department of State
9 Police of the new place of residence, change in employment, or
10 school.

11 If any person required to register under this Article
12 intends to establish a residence or employment outside of the
13 State of Illinois, at least 10 days before establishing that
14 residence or employment, he or she shall report in person to
15 the law enforcement agency with which he or she last registered
16 of his or her out-of-state intended residence or employment.
17 The law enforcement agency with which such person last
18 registered shall, within 3 days after the reporting in person
19 of the person required to register under this Article of an
20 address or employment change, notify the Department of State
21 Police. The Department of State Police shall forward such
22 information to the out-of-state law enforcement agency having
23 jurisdiction in the form and manner prescribed by the
24 Department of State Police.

25 (Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06;
26 94-168, eff. 1-1-06; revised 8-19-05.)

27 (730 ILCS 150/7) (from Ch. 38, par. 227)

28 Sec. 7. Duration of registration.

29 (a) A person who has been adjudicated to be sexually
30 dangerous and is later released or found to be no longer
31 sexually dangerous and discharged, shall register for the
32 period of his or her natural life. A sexually violent person or
33 sexual predator shall register for the period of his or her
34 natural life after conviction or adjudication if not confined
35 to a penal institution, hospital, or other institution or

1 facility, and if confined, for the period of his or her natural
2 life after parole, discharge, or release from any such
3 facility. Any other person who is required to register under
4 this Article shall be required to register for a period of 10
5 years after conviction or adjudication if not confined to a
6 penal institution, hospital or any other institution or
7 facility, and if confined, for a period of 10 years after
8 parole, discharge or release from any such facility. A sex
9 offender who is allowed to leave a county, State, or federal
10 facility for the purposes of work release, education, or
11 overnight visitations shall be required to register within 5
12 days of beginning such a program. Liability for registration
13 terminates at the expiration of 10 years from the date of
14 conviction or adjudication if not confined to a penal
15 institution, hospital or any other institution or facility and
16 if confined, at the expiration of 10 years from the date of
17 parole, discharge or release from any such facility, providing
18 such person does not, during that period, again become liable
19 to register under the provisions of this Article. Reconfinement
20 due to a violation of parole or other circumstances that
21 relates to the original conviction or adjudication shall extend
22 the period of registration to 10 years after final parole,
23 discharge, or release. The Director of State Police, consistent
24 with administrative rules, shall extend for 10 years the
25 registration period of any sex offender, as defined in Section
26 2 of this Act, who fails to comply with the provisions of this
27 Article. The registration period for any sex offender who fails
28 to comply with any provision of the Act shall extend the period
29 of registration by 10 years beginning from the first date of
30 registration after the violation. If the registration period is
31 extended, the Department of State Police shall send a
32 registered letter to the law enforcement agency where the sex
33 offender resides within 3 days after the extension of the
34 registration period. The sex offender shall report to that law
35 enforcement agency and sign for that letter. One copy of that
36 letter shall be kept on file with the law enforcement agency of

1 the jurisdiction where the sex offender resides and one copy
2 shall be returned to the Department of State Police.

3 (b) A sexual predator who on or after the effective date of
4 this amendatory Act of the 94th General Assembly has been
5 lawfully released from confinement or who has completed his or
6 her term of supervision, probation, conditional discharge,
7 parole, or mandatory supervised release, whichever is later,
8 for at least 40 years, and who has not been arrested for a
9 felony or misdemeanor since release may petition the circuit
10 court in the circuit in which the sexual predator resides for
11 the purpose of no longer being classified as a sexual predator.
12 The circuit court may grant the petition if the court by clear
13 and convincing evidence determines that the sexual predator is
14 no longer a threat to the community and would no longer pose a
15 risk of committing a sex offense as defined in this Act. If the
16 petition is granted, the person shall no longer be subject to
17 the requirements of this Act unless the person subsequently
18 commits a sex offense after the granting of the petition.

19 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06;
20 94-168, eff. 1-1-06; revised 8-19-05.)

21 (730 ILCS 150/8-5)

22 Sec. 8-5. Verification requirements.

23 (a) Address verification. The agency having jurisdiction
24 shall verify the address of sex offenders, as defined in
25 Section 2 of this Act, or sexual predators required to register
26 with their agency at least once per year. The verification must
27 be documented in LEADS in the form and manner required by the
28 Department of State Police.

29 (b) Registration verification. The supervising officer
30 shall, within 15 days of sentencing to probation or release
31 from an Illinois Department of Corrections facility, contact
32 the law enforcement agency in the jurisdiction in which the sex
33 offender or sexual predator designated as his or her intended
34 residence and verify compliance with the requirements of this
35 Act. Revocation proceedings shall be immediately commenced

1 against a sex offender or sexual predator on probation, parole,
2 or mandatory supervised release who fails to comply with the
3 requirements of this Act.

4 (c) In an effort to ensure that sexual predators and sexual
5 offenders who fail to respond to address-verification attempts
6 or who otherwise abscond from registration are located in a
7 timely manner, the Department of State Police shall share
8 information with local law enforcement agencies. The
9 Department shall use analytical resources to assist local law
10 enforcement agencies to determine the potential whereabouts of
11 any sexual predator or sexual offender who fails to respond to
12 address-verification attempts or who otherwise absconds from
13 registration. The Department shall review and analyze all
14 available information concerning any such predator or offender
15 who fails to respond to address-verification attempts or who
16 otherwise absconds from registration and provide the
17 information to local law enforcement agencies in order to
18 assist the agencies in locating and apprehending the sexual
19 predator or sexual offender.

20 (Source: P.A. 92-828, eff. 8-22-02; 93-979, eff. 8-20-04.)

21 (730 ILCS 150/10) (from Ch. 38, par. 230)

22 Sec. 10. Penalty.

23 (a) Any person who is required to register under this
24 Article who violates any of the provisions of this Article and
25 any person who is required to register under this Article who
26 seeks to change his or her name under Article 21 of the Code of
27 Civil Procedure is guilty of a Class 3 felony. Any person who
28 is convicted for a violation of this Act for a second or
29 subsequent time is guilty of a Class 2 felony. Any person who
30 is required to register under this Article who knowingly or
31 wilfully gives material information required by this Article
32 that is false is guilty of a Class 3 felony. Any person
33 convicted of a violation of any provision of this Article
34 shall, in addition to any other penalty required by law, be
35 required to serve a minimum period of 7 days confinement in the

1 local county jail. The court shall impose a mandatory minimum
2 fine of \$500 for failure to comply with any provision of this
3 Article. These fines shall be deposited in the Sex Offender
4 Registration Fund. Any sex offender, as defined in Section 2 of
5 this Act, or sexual predator who violates any provision of this
6 Article may be arrested and tried in any Illinois county where
7 the sex offender can be located. The local police department or
8 sheriff's office is not required to determine whether the
9 person is living within its jurisdiction.

10 (b) Any person who has reason to believe that a sexual
11 predator is not complying, or has not complied, with the
12 requirements of this Article and who, with the intent to assist
13 the sexual predator in eluding a law enforcement agency that is
14 seeking to find the sexual predator to question the sexual
15 predator about, or to arrest the sexual predator for, his or
16 her noncompliance with the requirements of this Article is
17 guilty of a Class 4 felony if he or she:

18 (1) withholds information from, or does not notify, the
19 law enforcement agency having jurisdiction about the
20 sexual predator's noncompliance with the requirements of
21 this Article, and, if known, the whereabouts of the sexual
22 predator;

23 (2) harbors, or attempts to harbor, or assists another
24 person in harboring or attempting to harbor, the sexual
25 predator;

26 (3) conceals or attempts to conceal, or assists another
27 person in concealing or attempting to conceal, the sexual
28 predator; or

29 (4) provides information to the law enforcement agency
30 having jurisdiction regarding the sexual predator which
31 the person knows to be false information.

32 (c) Subsection (b) does not apply if the sexual predator is
33 incarcerated in or is in the custody of a State correctional
34 facility, a private correctional facility, a county or
35 municipal jail, or a federal correctional facility.

36 (Source: P.A. 93-979, eff. 8-20-04; 94-168, eff. 1-1-06.)

1 INDEX
2 Statutes amended in order of appearance

3	20 ILCS 2630/8	from Ch. 38, par. 206-8
4	730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
5	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
6	730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1
7	730 ILCS 5/5-8A-6 new	
8	730 ILCS 150/6	from Ch. 38, par. 226
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